



UNITED
CEREBRAL
PALSY
ASSOCIATIONS

Advancing the independence of people with disabilities

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JUN 13 1994

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Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.,
Washington, D.C. 20554

Re: Inquiry on Implementation of Commission's Equal Employment Opportunity Rules; Request for Comments [MM Docket No. 94-34]

Dear Secretary and Commissioners:

United Cerebral Palsy Associations (UCPA) appreciates the opportunity to respond to your *Inquiry and Request for Comments* on "**Implementation of Commission's Equal Employment Opportunity Rules**" [Notice of Inquiry dated May 23, 1994]. UCPA supports the overriding goal underlying the rules which is to promote program diversity and urges the Commission to consider ways to include greater representation of individuals with disabilities in this industry and, in any effort to amend the rules on Equal Employment Opportunity, to also include reporting on the licensee's efforts to **include individuals with disabilities** in every aspect of station employment policy and practices.

UCPA is highly interested in the content of television and radio programming in general as well as the opportunities for employment in all facets of the communications industry, including participation in ownership, for individuals with disabilities. We note that **disability cuts across the categories of race, color, religion, national origin, age and sex** of the Commission's mandate in overseeing equal employment opportunity.

UCPA is a leading national not-for-profit health related association of more than 155 affiliates in 43 states delivering in excess of \$400 million of services annually. UCPA extends services to and advocates on behalf of more than 500,000 children and adults with cerebral palsy and those with similar disabilities, and their families, to assist such individuals in becoming full community members. In addition, currently about 5,000 babies and infants are diagnosed with cerebral palsy each year, and approximately 1,200 to 1,500 pre-school age children acquire cerebral palsy annually. Cerebral palsy is a term used to describe a group of chronic conditions affecting body movement and muscle coordination and is **not a disease or illness**.

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List A B C D E

At this time we believe there is little or no data on the extent to which individuals with disabilities are employed by the communications industry. However, we suspect that, although there are 43 million Americans with disabilities, they are not found in significant numbers in this industry reflecting the high overall unemployment rate of individuals with disabilities (approximately 65 percent are unemployed).

UCPA notes that employment practices with regard to hiring and employment of individuals with disabilities in this industry is subject to the Americans With Disabilities Act (ADA) Title I requirements and there is no requirement for individuals with disabilities to identify themselves as having a disability; in fact such a requirement is impermissible under ADA. Additionally, ADA does not require employers to affirmatively recruit individuals with disabilities. However, in the instances where there has been an effort to recruit individuals with disabilities, or where it is known that an individual with a disability is an employee, such as in the case where a job accommodation has been made (e.g., modification to a computer system so that a person with a vision or hearing or speech disability can fulfill the essential requirements of the job) the licensee should be required to report on this.

We suggest, for instance, that licensees be required to answer a question addressing "*whether or not they have made any job accommodations for persons with disabilities?*". We suggest your form give a few examples of such accommodations -- *such as augmentative & alternative communication devices, communication boards, interpreters, vision-enhancing devices (magnifiers), wheelchair ramps or lowering of doorhandles, provision of specialized hearing aids, or revision of schedules to accommodate disability, among others.*

Additionally, if a licensee indicates they have made an affirmative effort to recruit and hire individuals with disabilities, to ask "*where they have posted notices of jobs availability for individuals with disabilities?*" We suggest there be included as examples "*such as state vocational rehabilitation agencies, the Governor's Developmental Disability councils or other public or private entity addressing the needs of individuals with disabilities.*"

Significantly, we believe the reporting requirements should ask "*whether any individuals with disabilities have filed a complaint with the EEOC under Title I of ADA?*" and what the current status of such a complaint is. The Commission would note however, in this instance, that the filing of a complaint under ADA's Title I is not evidence of a complaint.

UCPA believes that if the Commission were to address this issue -- where the data is known by the licensee -- in its reporting requirements, subject to the requirements of ADA Title I, there may be a greater awareness by the industry of the untapped human resources found in the disability community.

I would be happy to discuss the intent behind UCPA's comments with you at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenifer Simpson', written over a horizontal line.

Jenifer Simpson
Policy Associate
Community Services Division



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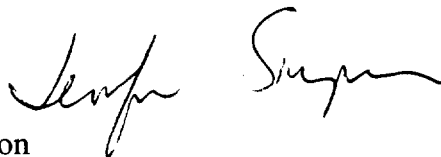
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